

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMILIANO SALAS, on behalf of himself	:
and all other persons similarly situated,	:
	:
Plaintiffs,	:
	:
-against-	:
	:
99 CENTS FOR YOU, INC., a New York	:
corporation,	:
	:
Defendant.	:
-----X	

AFFIDAVIT OF EMILIANO SALAS

BEFORE ME, the undersigned authority, an officer duly authorized to take oaths and administer acknowledgements, appeared EMILIANO SALAS, who upon first being duly sworn, deposed and stated as follows:

1. My name is EMILIANO SALAS.
2. I am the named Plaintiff in the above-referenced action.
3. I make this Affidavit based upon personal knowledge.
4. From approximately 1998 until January 2007, I worked for Defendant, 99 Cents for You, Inc. ("Defendant"), performing duties such as stocking shelves, making deliveries, and general janitorial duties in New York, New York..
5. In this capacity, Defendant paid me on a weekly basis.
6. During my employment with Defendant, I regularly worked in excess of forty (40) hours per workweek. In fact, I typically average in excess of sixty (60) hours per workweek.

7. During my employment with Defendant, while I was paid a weekly salary, Defendant did not pay me any overtime compensation whatsoever, for my hours worked in excess of forty (40) within a workweek.

8. As a result of this practice, Defendant failed to pay me full and proper overtime compensation as required by the FLSA.

9. During my employment with Defendant, I personally observed that there were numerous other laborers who: (a) performed the same job duties that I performed; (b) worked the same amount of hours that I worked per workweek; and (c) were paid in the same manner in which I was paid (i.e. not compensated for hours worked in excess of forty within a workweek while paid on a piece rate basis).

10. My purpose in bringing this lawsuit is not only to receive the full overtime wages owed to me, but also to help other laborers get the overtime compensation owed to them. It is important to me that all of Defendant's current and former laborers be fairly paid.

11. I anticipate that other current and former laborers will join this litigation if they are given notice of it and an opportunity to join it. In this regard, I believe Defendant's other current and former laborers remain uninformed of this case.

12. I fully understand and aver the allegations contained within this Affidavit are true and correct to the best of my knowledge.

13. This document was translated to me from English to Spanish.

FURTHER AFFIANT SAYETH NAUGHT:

By Emiliano Crespo
EMILIANO SALAS

STATE OF NEW YORK

COUNTY OF NEW YORK

SWORN TO AND SUBSCRIBED before me this 22nd day of August 2007.

The Affiant, EMILIANO SALAS, is personally known to me and has produced State-issued identification, which is current or has been issued within the past five years and bears a serial number or other identifying number.


Print Name:

JUSTIN A. ZELLER
Notary Public, State of New York
No. 02ZE6172088
Qualified in New York County
Commission Expires 08/06/2011